



2862 | \$

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

WESTLEY ASHE

GROUP ART UNIT: 2862

Serial Number: 10/098,517

EXAMINER: Subhash Zaveri

Filed: March 18, 2002

For: LOW DISTORTION MAGNETIC
TRANSMITTER AND METHOD
OF OPERATING

RECEIVED
FEB - 4 2004
TC 2800 MAIL ROOM

COMMUNICATION

The Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Sir:

In response to the outstanding Office Action dated December 18, 2003, for which a shortened statutory period for response of three (3) months was given, attached to this Communication is a duly executed Terminal Disclaimer to overcome the outstanding grounds of rejection.

REMARKS

In the outstanding Office Action, Claims 17-21, 26-28, 31-36 and 38-39 have been rejected on various grounds of rejection, each relying upon the judicially created doctrine of obviousness-type double patenting and each relying upon Applicant's prior U.S. Patent No. 6,246,231.

In response to these grounds of rejection, submitted herewith is a Terminal Disclaimer executed on behalf of Ascension Technology Corporation (ASC), the 100% owner of the invention disclosed in the above-captioned U.S. patent application. ASC is also the 100% owner of U.S. Patent No. 6,246,231.

Based upon presentation of the Terminal Disclaimer, it is respectfully submitted that each of the grounds of rejection has now been overcome. Accordingly, reconsideration and allowance of the application are respectfully solicited.

Additionally, submitted herewith is the Government fee of \$55.00 pursuant to 37 C.F.R. 1.20(d) required along with submission of a Terminal Disclaimer.

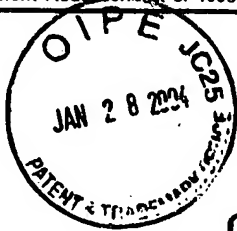
Respectfully submitted,

H. JAY SPIEGEL & ASSOCIATES

A handwritten signature in black ink, appearing to read "H. Jay Spiegel", is written over a horizontal line.

H. Jay Spiegel
Attorney for Applicant
Registration No. 30,722

H. JAY SPIEGEL & ASSOCIATES
P.O. Box 11
Mount Vernon, Virginia 22121
(703) 619-0101



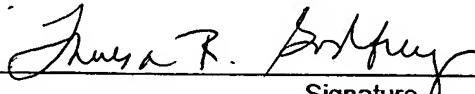
RECEIVED
FEB -4 2004
TC 2800 MAIL ROOM

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on January 27, 2004
Date


Signature

Theresa R. Godfrey

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Serial No. 10/098,517

Filed: March 18, 2002

For: LOW DISTORTION MAGNETIC TRANSMITTER AND
METHOD OF OPERATING

Papers Filed: COMMUNICATION, a Terminal Disclaimer,
a check in the amount of \$55.00 to cover
the Terminal Disclaimer fee, and a
Certificate of Mailing.